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JUL 06 2006

Response to Information Disclosure Statement

Applicants request that the Examiner reconsider the prior art listed in the attached Form PTO-1449. The references listed in the attached are enclosed herewith.

Response to Claim Rejections Under 35 U.S.C. §102

Claims 37-47, 49, 51, 53-56, and 64-65 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Kresch et al. (U.S. Pat. No. 5,527,331).

Independent claims 37, 64, and 65 have been cancelled without prejudice and claim 46 has been amended to clarify the features of the invention. Specifically, claim 46 has been amended to require a motor unit, a replaceable drive unit and a biopsy unit or wand which is received by a recess in the drive unit. The Kresch device does not have a drive unit that meets the requirements of applicants claims. Moreover, the Kresch does not have a wand or biopsy device that has multiple operative elements at the distal portion of the device as called for in claim 46 and new claim 67. In as much as the Kresch reference does not teach every feature of the claimed invention, the reference cannot anticipate the invention of the claims.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 48, 50, 52, 57, and 59-63 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Kresch et al. in view of Gough et al. (U.S. Pat. No. 5,683,384). The Gough reference is directed to a tissue ablation device and does not teach a device having a cutting element and an additional operative element, so this reference fails to make up for the deficiencies of the Kresch reference. That being the case the Gough reference does not render obvious the presently pending claims.

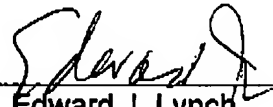
Claim 58 is rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Kresch et al. in view of Desai (U.S. Pat. No. 5,395,312). As discussed above, claim 46 is believed to be. Claim 58 depends upon claim 46 and therefore should also be patentable because Desai fails to disclose the features which Kresch does not disclose.

Conclusion

Applicants believe that the pending claims are directed to patentable subject matter. Reconsideration and an allowance of the claims are earnestly solicited.

Respectfully submitted,

By: _____


Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

DUANE MORRIS LLP
One Market
Spear Tower, Ste. 2000
San Francisco, CA 94105
Telephone: (415) 957-3000
Facsimile: (415) 957-3001
Direct Dial: (415) 957-3067